

REMARKS

In reviewing the instant application, it has come to Applicants' attention that the originally-filed declarations filed by the application's joint owners (i.e., Science and Technology Corporation ("STC"), and The United States of America as represented by the Administrator of the National Aeronautics and Space Administration ("NASA")) require correction. Specifically, the declaration filed by STC omitted the NASA employees, and the NASA declaration omitted the STC employee. Accordingly, Applicants are submitting herewith corrected declarations referencing this amendment and including the surcharge required by 37 CFR 1.16(e). Applicants also respectfully request (i) that the Examiner note that both of the new declarations list "Zia-ur Rahman" as the first named inventor, and (ii) that the Examiner change the "FIRST NAMED INVENTOR" accordingly.

Claims 1-36 are in the case as of the date of this amendment. No claims have been allowed.

Claims 1-36 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-10 and 14-26 of co-pending Application No. 09/888,701. The Examiner has indicated that a timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on nonstatutory double patenting ground provided the conflicting

application or patent is shown to be commonly owned with this application.

This provisional rejection is respectfully traversed in view of the following:

1) Applicants have enclosed herewith a terminal disclaimer (i.e., "TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING REJECTION OVER A SECOND APPLICATION", PTO form PTO/SB/25), signed by an attorney of record. The appropriate fee required by 37 CFR 1.20(d) is also included herewith.

2) Applicants have enclosed copies of the recorded assignments for the instant application and for co-pending Application No. 09/888,701. As is clearly evident from the recorded assignments, the instant application is commonly owned with co-pending Application No. 09/888,701.

It is submitted in view of these remarks that all grounds for rejection have been removed by the foregoing amendment. Reconsideration and allowance of this application are therefore earnestly solicited.

The Examiner is invited to phone Peter J. Van Bergen,
attorney for Applicant, 757-220-2649, if in his opinion such
phone call would serve to expedite the prosecution of subject
patent application.

Respectfully submitted,

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